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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

RAMIRO RODRIGUEZ RAMIREZ,

Defendant and Appellant.

E055986

(Super.Ct.No. INF1100310)

OPINION

APPEAL from the Superior Court of Riverside County. Thomas N. Douglass, Jr., Judge. (Retired judge of the Riverside Super. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

Jeffrey E. Thoma, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Ramiro Rodriguez Ramirez was charged in a felony complaint with possession of a controlled substance. (Health & Saf. Code, § 11350, subd. (a), count 1.) Defendant initially pled not guilty. Subsequently, he filed a

motion to quash the search warrant and suppress evidence (the motion), and the People filed an opposition. The parties stipulated to having the motion and preliminary hearing heard by the trial court concurrently. The motion was denied. An information was then filed charging defendant with possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)), and defendant pled not guilty. Defendant filed two more motions to quash the search warrant and suppress evidence¹, and the last motion was denied. Defendant then pled guilty to count 1, and the court placed him on supervised probation for drug offenders pursuant to Proposition 36 (Pen. Code, § 1210 et seq.).

Defendant filed a notice of appeal based on the denial of the motion to suppress. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

The following summary of facts is taken from the transcript of the preliminary hearing. Officer Bryan Traynham obtained a search warrant to search a residence on Hopi Street in the city of Indio (the residence). When police officers executed the search warrant, defendant was found at the residence. An officer conducted a search of defendant and found a canister containing what appeared to be tar heroin in his pants pocket. The officer opened the canister, and defendant

¹ The record does not make clear why defendant filed apparently identical motions to quash the warrant and suppress evidence on January 18, 2012, and then on February 27, 2012.

stated that it contained heroin. For purposes of the preliminary hearing, the parties stipulated that the substance found on defendant was, in fact, heroin.

At the plea hearing, defendant pled guilty to count 1 and then admitted that, on or about December 7, 2010, he knowingly possessed a usable quantity of heroin. The court found a factual basis for the plea based upon defendant's oral statement in court.

DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and one potential arguable issue: whether the court properly denied defendant's motion to quash the search warrant and suppress evidence. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have now concluded our independent review of the record and found no arguable issues.

DISPOSITION

The judgment is affirmed.

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HOLLENHORST
Acting P. J.

We concur:

McKINSTER
J.

RICHLI
J.